

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – OCTOBER 1, 2008 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

1. CALL TO ORDER.

Mayor Stearley called the Meeting to order @ 6:30 P.M.

All Councilors were present. Also present were Ms. Karen Mahalick, Community Planning & Development Manager, and Ms. Estefanie Muller, Clerk-Treasurer.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Felton made a motion to approve the Agenda as presented. Councilor Abrams seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

4. MATTERS FROM THE MAYOR.

Mayor Stearley discussed the Mayors Caucus that he attended in Los Lunas stating that he enjoyed his visit.

5. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Felton discussed the Edgewood Clean-up and commended the participation. Councilor Simmons also discussed the Clean-Up as well.

6. PUBLIC COMMENTS. (Limit to 2 minutes per person).

Note: If you plan to testify under Public Hearings, please do not sign up for the same topic.

Ms. Sue West discussed the availability of the Final Agenda for the public.

Ms. Ann House stated that she was the Registrar for the State of New Mexico and that she had voter registration forms available.

Ms. Diane Stearley discussed the Edgewood Clean-Up thanking everyone who participated. She also discussed her conversation with Mr. David Cargo stating that he had helped 12 cities put in their Libraries and that he had offered to help the Town with their Library.

7. PUBLIC HEARINGS.

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required: This public hearing is continued from the Council Meeting of September 17, 2008.

Mr. Lawson was not present and Ms. Muller stated that she had not heard from him.

A. Review and Amendment to Ordinance No. 2003-12 Litter and Anti-Blight Ordinance.
(Amendment October 20, 2004)

MOTION: Councilor Simmons made a motion to table this item to a more convenient time for Mr. Lawson. Councilor Hill seconded the motion.

Councilor Abrams pointed out that this was a public hearing and therefore could not be tabled and that a continuation would be required.

MOTION: Councilor Simmons amended her motion to continue this public hearing at a later time. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

At this time Mr. Lawson was present.

Mr. Harlan Lawson discussed proposed documents for the Sign Ordinance. Councilor Hill suggested that any further discussion on this item should be placed on a future meeting Agenda as this item was tabled.

QUASI JUDICIAL HEARING.

Certification that Public Notice of this Meeting has been posted as required.

Ms. Mahalick certified that Public Notice of this meeting had been posted as required.

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine person giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

Councilor Abrams stated he had no conflict of interest or ex-parte communication.

Councilor Felton stated he had no conflict of interest or ex-parte communication.

Mayor Stearley stated he had no conflict of interest or ex-parte communication.

Councilor Hill stated he had no conflict of interest or ex-parte communication.

Councilor Simmons stated he had no conflict of interest or ex-parte communication.

Ms. Mahalick brought forward the fact that the Mayor was the owner of an adjoining property.

Mayor Stearley polled the Council as to a possible conflict of interest, none was found.

Ms. Mahalick stated that the Clerk-Treasurer would need to swear in all parties interested in giving testimony.

Ms. Muller swore in all parties at this time.

B. Petition from SASS) Single Action Shooting Society) requesting the west frontage road (from west of Horton to where it ends at the cul-de-sac) be renamed “Cowboy Way”.

Ms. Mahalick stated that she was in receipt of a petition to change the road name to “Cowboy Way” and that there had not been any negative or positive responses to this petition.

Ms. Stearley stated that she has a signed petition from adjoining property owners.

MOTION: Councilor Hill made a motion to approve the name change to “Cowboy Way”. Councilor Simmons seconded the motion.

Councilor Simmons thanked Ms. Stearley for the clarification on the Owner/Broker sign.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:

Ms. Muller certified that Public Notice of this meeting had been posted as required.

C. Amendment to Ordinance No. 2008-02 “Establishment of a Public Library and Advisory Board: to include appointment of an Alternate Member to the Advisory Board. Appointment of John Suda as Board Member and Sandy Madsen as Alternate Board Member.

Ms. Muller reviewed the changes for Council to include under Article II at the end of A. to state “An Alternate Member shall be appointed for a 2-year term.

MOTION: Councilor Abrams made a motion to approve the Amendment to Ordinance No. 2008-02. Councilor Felton seconded the motion.

Councilor Hill stated that the appointments be two separate items.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

Mayor Stearley asked the Council to approve the appointment of Advisory Board Member John Suda and Alternate Board Member Sandy Madsen.

MOTION: Councilor Felton made a motion to approve the appointments. Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

8. REPORT ON THE YOUTH ACTIVITIES SUB-COMMITTEE MEETING – Ms. Linda Hill.

Ms. Linda Hill and Ms. Audrey Jaramillo reviewed the Minutes from the Youth Activities Sub-Committee Meeting.

Ms. Jaramillo thanked the Mayor and Mr. Holden for coming up with this idea, and stated that she was also going to be working on the Elementary Committee.

Ms. Hill stated that Mr. Jim Smith and Ms. Cheryl Higgins would be heading up the High School Sub-Committee.

Councilor Hill stated that it may be better to change the title of the Committees to something other than Sub-Committees as to avoid confusion.

Mayor Stearley suggested Citizens Committees.

Councilor Simmons stated that the Youth Committees could take care of some of the weeds that need to be pulled.

Ms. Mahalick stated that she was working on an agreement with NMDOT and the prisoner community service.

Councilor Felton encouraged the Committees to keep moving forward.

Mayor Stearley thanked the volunteers for their work.

9. FINANCE & ADMINISTRATION.

D. Budget Resolution No. 2008-58.

Mayor Stearley discussed this item for Council.

Councilor Hill stated that there might be too many items for one Resolution to cover.

MOTION: Councilor Hill made a motion to adopt Budget Resolution 2008-58 for the purchase of a Bobcat in the amount of \$62,066.00. Councilor Simmons seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted nay. Councilor Abrams voted aye. The motion carried.

MOTION: Councilor Simmons made a motion to table the remainder of the Budget items to a Special Meeting. Councilor Hill seconded the motion.

Councilor Hill requested a Special Meeting to review the entire Budget.

Councilor Felton stated that some of these items need to have action on them now.

Councilor Simmons stated that she had a feeling that this was going to be a serious winter and she feels that another meeting this month should be in order.

Mayor Stearley stated that there is money available for snow removal and he hoped that the Council could move forward on the Library.

Councilor Simmons stated that she still felt that these items need to be gone over more thoroughly.

Mayor Stearley stated that there were still unspent funds.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted nay. Councilor Abrams voted nay. Mayor Stearley voted nay. The motion did not carry.

MOTION: Councilor Felton made a motion to adopt an amended Budget Resolution No. 2008-59 to include items 5, 6, 17, and 18 on the library items for a total of \$89,077.00 and then wait until another time to discuss paid positions. Councilor Abrams seconded the motion.

Councilor Simmons asked for clarification.

Mayor Stearley and Councilor Felton clarified for Councilor Simmons as to the intentions of the motion.

Councilor Felton stated that there are other collaborators that are offering to help.

Councilor Hill asked about the number of "Ifs" that were brought up by Councilor

Abrams previously on the Library stating that not all of these have been addressed.

Councilor Abrams agreed with Councilor Hill stating that this is about modifying the budget.

Councilor Felton detailed the Budget Resolution as follows.

#5 Rent for Library, Pittman Building \$43,978.00.

#6 Utilities \$10,099.00.

#17 Modification of the Pittman Building \$5,000.00.

#18 Shelves and furnishings \$30,000.00.

Total Amount \$89,077.00

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted nay. Councilor Simmons voted nay. Mayor Stearley voted aye. The motion carried.

10. EDGEWOOD COMMUNITY LIBRARY LEASE AGREEMENT.

Mayor Stearley reviewed this item.

Ms. Muller reviewed the sections that were modified as per the Town Attorney.

Mayor Stearley discussed the terms of the Agreement.

Councilor Simmons asked about the \$20,000.00 from Santa Fe County.

Mayor Stearley responded stating that this could be done with or without the funds from Santa Fe County.

Ms. Mahalick discussed the ADA compliance without modifications stating that the door and restrooms are ADA compliant as is.

Mayor Stearley stated that this Agreement came from the Town Attorney.

Councilor Simmons thanked the Mayor for the opportunity to work on this Lease.

Councilor Hill asked if the \$5,000.00 was an appropriate amount to make the modifications required to the building.

Mayor Stearley responded stating that he had met with the Library Board as well as volunteers from the community and that they were only going to be removing partitions. Mayor Stearley also stated that he was looking into placing carpet in the Library as a means to cut down on the echo.

Councilor Hill asked how the Library is to be separated from the rest of the building. Mayor Stearley stated that it has it's own door and is already separated from the other parts of the building.

Councilor Hill asked about the occupancy load and the requirements of a fire-wall separation.

Mayor Stearley responded stating that he did not know and was going to ask for approval contingent on the Fire Departments Approval of the fire-wall separation.

MOTION: Councilor Felton made a motion to enter into a Lease Agreement contingent on the discovery of facts of the fire-wall by the Fire Department. Councilor Abrams seconded the motion.

Mayor Stearley reviewed Section 12 of the Lease Agreement and stated that he would like to add and item as follows:

6. Installation of new lighting in the parking lot as approved by the Town. Councilor Simmons stated that she was concerned that the Library would be too comfortable in this location as she would like to see the Library located on Section 16. Mayor Stearley asked Mr. Dave Knuckles to speak on behalf of the Library.

Mr. Knuckles discussed the fact that for the past three years the Library has not been satisfying the needs of the community.

Mr. John Suda stated that he agreed with Mr. Knuckles comments.

Ms. Rosemary Bersen stated that growth has been hampered by the space that the Library is in now. In the new location there will be room to grow.

Mayor Stearley stated that he did not see Santa Fe County assisting if the Library stays in its present location.

Councilor Hill stated that there are a lot of issues surrounding this Library Agreement, some of which have been answered but that the Town should be cautious on the spending and that he will be extra diligent on the spending.

Councilor Felton thanked Councilor Simmons for her involvement and Councilors Hill Councilor Abrams for living with the unanswered questions. He also thanked the Mayor for his persistence.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

11. WILDLIFE WEST PRESENTATION.

Councilor Simmons introduced this item.

Mr. Simon, Attorney for Wildlife West gave a presentation stating that he was there to ask the Council to do the right thing with regard to funding for the Park.

Mr. Simon stated that Wildlife West was one of only 2 Nationally recognized facilities

and that he would like the Council to place annual support for the Park back on their Budget.

Mr. Simon discussed the preparation for the Music Festival stating that scheduling begins the year before the Festival.

Mayor Stearley stated that some of the information Mr. Simon presented was incorrect and that the Town did support this event.

Mr. Simon stated that the Town support was not in the manner promised.

Mayor Stearley and Councilor Felton responded.

Councilor Simmons asked what Mr. Simon's interest was in the park.

Mr. Simon stated that he had served in a variety of capacities.

12. LEAVE NO CHILD INSIDE PRESENTATION – Ms. Cherie Smylie.

Mayor Stearley reminded Council and the Public that a Resolution to this effect had already passed.

Ms. Cherie Smylie is an Elementary Education teacher and Ordained Minister.

Ms. Cherie Smylie stated that she has an interest in Wildlife West for educational purposes and has an interest in conservation. She also discussed some of the programs that are available to get the youth involved and interested in nature at Wildlife West.

Mayor Stearley stated that it would be great for Ms. Smylie to become involved with the Youth Committee.

Ms. Smylie stated that she was already a member of the Youth Committee.

Councilor Felton suggested that the American Indian Youth Leadership and the Santa Fe Mountain center should be involved with Wildlife West and that he would be willing to put Mr. Roger Holden, in touch with these individuals.

Councilor Hill stated that another group that should be involved was Youth Development Incorporated.

Councilor Felton discussed the Act stating that one of its emphasis' was in certifying Outdoor Educators.

Ms. Smylie stated that she was planning to become more involved in these types of organizations.

Councilor Felton stated that the issue is going to be money.

Ms. Smylie stated that Wildlife West provided the infrastructure to co-ordinate some of these ideas.

Councilor Simmons discussed the importance of Stewardship.

13. BID AWARD – TOWN OF EDGEWOOD WASTEWATER COLLECTION/DISPOSAL LINES.

Ms. Mahalick reviewed this item for the Council stating that 11 bids were received for the Collection Lines and 6 bids for the Disposal Lines. She also stated that NMED had approved awarding the bids to the low bidders.

J & D Contracting - \$1,183,931.00 for the Collection Lines

RMCI - \$577,560.00 for the Disposal Lines

Ms. Mahalick stated both of these bids are covered in the budget.

Ms. Mahalick stated that Council could place these two bid awards in separate motions or as a single motion.

MOTION: Councilor Simmons made a motion to accept the bid recommendations for Collection Lines at \$1,183,931.00 and Disposal Lines at \$577,560.00. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill vote aye. Councilor Simmons voted aye. The motion carried.

Ms. Mahalick stated that there was a projected completion date for the end of June 2009. Mayor Stearley discussed scheduling a Ribbon Cutting Ceremony upon completion in late July or early August.

14. BID AWARD – BASE COURSE, BINDER MATERIAL & HAULING.

Ms. Mahalick reviewed two bids received as follows:

Moriarty Concrete - \$8.25 per ton for road base, \$8.00 per ton for binder material and 22cents per ton mile for hauling.

Edgewood Aggregates - \$10.99 per ton for road base, \$14.24 per ton for binder material and no bid on hauling (this an unresponsive bid).

Ms. Mahalick recommends the bid be awarded to Moriarty Concrete.

MOTION: Councilor Simmons made a motion to award the bid to Moriarty Concrete. Councilor Hill seconded the motion.

Mayor Stearley asked if the Town needed to go out for more bids.

Ms. Mahalick stated that there were not anymore companies to get bids from.

Ms. Mahalick stated that the previous price was through NMDOT and that this contract has expired.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

15. COMMUNITY DEVELOPMENT REPORT.

E. Year-to-Date Update on Permits and Reviews.

Ms. Mahalick reviewed her report for the Council.

Councilor Hill stated that the City of Albuquerque issued 29 permits for this month and that is the lowest ever.

Ms. Mahalick reported on the Grants for the Energy and Minerals stating that they did encourage future applications.

Ms. Mahalick stated that the architectural design contract for the Section 16 Firehouse has been awarded and Chief Holden said that this design would be brought to the Council for review and comment.

Initials

Ms. Mahalick stated that she had received the Santa Fe County Fire Capital Improvement Plan and the new study of the Impact Fees dated 2007-2012 which projected growth at 610 homes 397,000 square ft of Commercial and 4 additional vehicles and the Section 16 Firehouse at a cost of \$2.5 million.

F. Annexation In-Fill Petition Discussion.

Ms. Mahalick reviewed the areas that Chief Welch requested be annexed.

Councilor Hill stated that the State of New Mexico has received 28 million dollars to acquire abandoned properties for re-hab and affordable housing.

Mayor Stearley asked how to proceed with annexation.

Ms. Mahalick explained past issues with the annexation attempts.

Councilor Felton recommended taking on one concept at a time, for instance the core and reviewed the Town map to define the boundary.

Ms. Mahalick stated that she would provide a concept map for the Council at the next Meeting.

G. Approval to go for RFP for a Wastewater Treatment Plant Operator.

Ms. Mahalick reviewed this item for the Council.

MOTION: Councilor Hill made a motion to approve staff to prepare an RFP for a Wastewater Treatment Plant Operator as well as contacting a consultant for rates. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Mayor Stearley suggested that the Town employ their own Engineer, Dennis Engineering and that a work order be presented to Council for approval.

16. APPROVAL OF PREVIOUS MINUTES.

H. Regular Council Meeting Minutes of September 17, 2008.

MOTION: Councilor Felton made a motion to approve the Minutes with a couple of modifications to Item 8 B, stating that there was no public comment and also to Item 8 C to state there was no public comment. Councilor Simmons seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

17. ACKNOWLEDGE RECEIPT OF THE PLANNING & ZONING COMMISSION MEETING MINUTES.

I. Planning & Zoning Meeting Minutes of September 15, 2008.

MOTION: Councilor Simmons made a motion to acknowledge receipt of Planning & Zoning Minutes. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

18. REVIEW OF ATTORNEY GENERAL ISSUES.

J. Weckerle – Inspection of Public Records.

Ms. Muller reviewed this item for the Council that a complaint was received from the Attorney General requesting information on the Town's response to Mr. Weckerle's request. All documents were forwarded.

K. Alink – Open Meetings Violation.

Ms. Muller reviewed this item for the Council and a complaint was received from the Attorney General on the Open Meetings Act and is requesting information on the Town's Open Meetings Act Resolution, and the Agenda of the meeting referred to in the complaint.

L. Rough Draft Letter From the Town Concerning the Anti-Donation Issue.

Mayor Stearley reviewed this item for the Council

19. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

L. Special Council Meeting – October 8, 2008 @ 6:30 P.M.

The Mayor, Council and staff all entered into discussion regarding upcoming Meetings. Mayor Stearley requested that staff prepare a template for the Kiosk Section and Multi-Tenant Signs for the Meeting.

N. Regular Council Meeting – October 15, 2008 @ 6:30 P.M.

20. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting.

VOTE: All Council members voted aye.

Mayor Stearley adjourned the meeting at 9:45 P.M.

PASSED AND APPROVED this 15th day of OCTOBER, 2008.

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer